

BOARD OF SUPERVISORS

MINUTES

April 26, 2006

Supervisors in Attendance:

Mr. R. M. "Dickie" King, Jr.,
Chairman
Mr. Kelly E. Miller, Vice Chrm.
Mr. Edward B. Barber
Mrs. Renny Bush Humphrey
Mr. Arthur S. Warren

Mr. Lane B. Ramsey,
County Administrator

Staff in Attendance:

Lt. Col. Jim Bourque,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Joe Campbell, Dir.,
Juvenile Detention Home
Ms. Jana Carter, Dir.,
Youth Planning and
Development
Ms. Marilyn Cole, Asst.
County Administrator
Mr. Richard Cordle,
Treasurer
Mr. Roy Covington, Dir.,
Utilities
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Jonathan Davis,
Real Estate Assessor
Mr. Wilson Davis, Dir.,
Economic Development
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. William Dupler,
Building Official
Ms. Lisa Elko, CMC
Clerk
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. Rob Key, Asst. Dir.,
General Services
Mr. Michael Likins,
Coop. Extension Director
Ms. Mary Lou Lyle, Dir.,
Accounting
Chief Paul Mauger,
Fire and EMS Dept.
Ms. Lynell McClinton, Chief
of Admin. Services, Parks
and Recreation
Mr. R. John McCracken,
Dir., Transportation

Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Ms. Diane Peterson,
Senior Advocate
Mr. Francis Pitaro, Dir.,
General Services
Ms. Karen F. Russell,
Risk Manager
Ms. Sarah Snead, Dir.,
Social Services
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office
Sheriff Clarence Williams,
Sheriff's Department
Ms. Judy L. Worthington,
Circuit Court Clerk

Mr. King called the regularly scheduled meeting to order at 4:02 p.m.

1. APPROVAL OF MINUTES FOR APRIL 12, 2006

Ms. Elko stated the appropriations resolutions are being replaced in the minutes of April 12, 2006 to reflect actions taken to amend the budget, and the Board has been provided with a copy of the amended minutes.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved the minutes for April 12, 2006, as amended.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

Ms. Elko stated staff has requested that the Board move Item 8.C., Acceptance of a Bid to Purchase Chesterfield County Certificates of Participation, Series 2006A and Series 2006B, Related to Financing for the Community Development Building Project and the Finance/Human Resources Information System Project, to be heard at this time.

**8.C. ACCEPTANCE OF A BID TO PURCHASE CHESTERFIELD COUNTY
CERTIFICATES OF PARTICIPATION, SERIES 2006A AND SERIES
2006B, RELATED TO FINANCING FOR THE COMMUNITY
DEVELOPMENT BUILDING PROJECT AND THE FINANCE/HUMAN
RESOURCES INFORMATION SYSTEM PROJECT**

Ms. Dickson stated bids were received today for purchasing Chesterfield County Certificates of Participation, Series 2006A and Series 2006B, related to financing for the Community Development Building Project and the Finance/Human Resources Information System Project. She further stated the

lowest responsible bidder was Merrill Lynch and Company at a true interest cost of 4.27 percent.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted and approved a proposal from Merrill Lynch and Company, at a true interest cost of 4.27 percent, to purchase (adjusted as permissible in accordance with the terms of the preliminary official statement) \$3,565,000 principal amount of Certificates of Participation, Series 2006A, and \$8,395,000 principal amount of Certificates of Participation, Series 2006B, in connection with the planned Certificates of Participation financing for the Community Development Building and the Finance/Human Resources Information System.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

O MODEL COUNTY GOVERNMENT

Mr. Ramsey stated the county is pleased to host Model County Government Day again this year.

Ms. Carter stated tomorrow is Model County Government Day and 80 students will participate by shadowing a county official.

Each student and seven advisors came forward and introduced themselves. Ten of the students were seated with the Board members, County Administrator and participated in today's meeting.

Ms. Carter thanked the Board and Mr. Ramsey for their support of Model County Government Day.

3. BOARD MEMBER REPORTS

There were no Board member reports at this time.

4. REQUESTS TO POSTPONE AGENDA ITEMS AND ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board added Item 5.D., Resolution Recognizing Mrs. Estelle Grant Taylor on the Occasion of Her 80th Birthday; added Item 8.B.5., Nomination/Appointment to the Community Criminal Justice Services Board; added Item 8.B.6., Nomination/Appointment to the Committee on the Future; added Item 8.B.7., Approval of Appointment of Deputy County Administrator; added Item 9.C., Report on Video Service in Portions of the County by Cavalier IPTV; added Item 14.C., Resolution Recognizing Mr. Andrew Deitrick for His Outstanding Leadership; and adopted the Agenda, as amended.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

5. RESOLUTIONS

5.A. RECOGNIZING MAY 2006, AS "OLDER AMERICANS MONTH" IN CHESTERFIELD COUNTY

Mr. Hammer introduced Dr. Thelma Bland-Watson, Executive Director of Senior Connections, the Capital Area Agency on Aging, and representatives from various organizations that provide services and programs for older residents.

On motion of the Board, the following resolution was adopted:

WHEREAS, Chesterfield County is home to more than 38,700 residents aged 60 years and older; and

WHEREAS, the older adults in Chesterfield County are among the millions helping to redefine aging in America; and

WHEREAS, the 2006 theme for Older Americans Month, "Choices for Independence," has been chosen to recognize that older adults are entitled to live healthier lives through a combination of independence and choice; and

WHEREAS, older adults need the assistance of their communities to thrive, including the understanding and support from their friends and family; and

WHEREAS, coordinated efforts to provide support on issues as diverse as housing, transportation, and health care can be vital to healthy aging and long-term living; and

WHEREAS, Senior Connections, The Capital Area Agency on Aging has set aside May 2006 to recognize and honor older adults in Planning District 15 and celebrate their contributions; and

WHEREAS, Chesterfield TRIAD has declared May 3rd as Senior Day in Chesterfield County; and

WHEREAS, the aging population is growing and offering more wisdom and invaluable experience to succeeding generations than ever before; and

WHEREAS, Ms. Mary Jones is being recognized for her outstanding volunteer service as chairperson for the Chesterfield TRIAD Senior Day Committee for the past four years and for serving as a role model for successful aging by her quest for lifelong learning and service to others; and

WHEREAS, Mr. Don Simpson is being recognized for his leadership role in the establishment of the Lifelong Learning Institute of Chesterfield and for his advocacy on behalf of older adults in Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of April 2006, publicly recognizes May 2006, as "Older Americans Month" in Chesterfield County, expresses its appreciation to all its older citizens for their lifelong contributions and to all the organizations and Chesterfield County departments who serve older adults, and wishes them continued success in all their efforts on behalf of our older residents.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

An executed copy of the resolution was presented to each of the representatives present.

Mr. Miller expressed appreciation for each of the representatives' contributions to the county's senior citizens and stated it is a privilege to honor the older generation.

Dr. Watson expressed appreciation to the Board for recognizing older adults and their caregivers. She also thanked Mr. Hammer for his leadership in the aging network and presented him with a plaque in honor of his commitment to Senior Connections.

Senior Advocate Diane Peterson commended Ms. Mary Jones and Mr. Don Simpson for being role models for successful aging. She thanked CJW for funding the printing of the 2006-2007 edition of the Resource Directory of Services for Older Adults and Adults with Disabilities in Chesterfield County. She also thanked Mr. Hammer for his support and stated he has been the champion of aging issues in the county.

5.B. RECOGNIZING MRS. LONNY R. SQUIRE, TREASURER'S OFFICE, UPON HER RETIREMENT

Mr. Cordle introduced Mrs. Lonny Squire, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mrs. Lonny Squire retired effective October 1, 2005 after providing over 26 years of dedicated and faithful service to Chesterfield County; and

WHEREAS, Mrs. Squire began her tenure with the Chesterfield County Treasurer's Office on May 8, 1979 as a part-time account clerk; and

WHEREAS, Mrs. Squire was promoted to full-time employment with the Treasurer's Office in December 1982 and has been promoted to multiple positions throughout her years in the office, most recently to the position of Senior Accounting Technician; and

WHEREAS, Mrs. Squire has been instrumental during her career in helping to implement state-of-the-art systems including the implementation of an automated cash receipts system; and

WHEREAS, Mrs. Squire continually sought out educational and training opportunities to ensure the development of her skills and abilities, resulting in recognition from the American Business Women's Association, and a Bachelor of Applied Studies degree from the University of Richmond; and

WHEREAS, Mrs. Squire has received numerous commendations from other county departments for assistance rendered above and beyond the normal call of duty; and

WHEREAS, Mrs. Squire has faithfully and effectively discharged her duties in each and every capacity with

proficiency, passion and uncompromising commitment to world-class customer service; and

WHEREAS, Mrs. Squire will be tremendously missed for the quality and caliber of her commitment and performance for the Treasurer's Office and to our citizens.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 26th day of May 2006, publicly recognizes Mrs. Lonny R. Squire and extends its appreciation for her 26 years of dedicated service to the county, congratulations upon her retirement, and best wishes for a long and happy retirement.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution and a Jefferson Cup to Mrs. Squire, accompanied by Mr. Cordle, expressed appreciation for her dedicated service, and wished her well in her retirement.

Mrs. Squire expressed appreciation to the Board for the recognition and stated she knows she will enjoy her retirement.

**5.C. RECOGNIZING MR. VICTOR W. LIU AND MS. TRACY WILLIAMSON
FOR THEIR CONTRIBUTIONS TO THE COMMITTEE ON THE FUTURE
AND CHESTERFIELD COUNTY**

Mr. Reuben Waller, Vice Chairman of the Committee on the Future, introduced Mr. Victor Liu and Ms. Tracy Williamson, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Committee on the Future was established in 1987 by the Board of Supervisors and the County Charter for the purpose of assessing the future and long range challenges which the county will face, advising the Board of Supervisors, and making recommendations to lessen any adverse effect on the county of future changes; and

WHEREAS, Mr. Victor W. Liu and Ms. Tracy Williamson were appointed as members of the committee in 1992; and

WHEREAS, Mr. Liu and Ms. Williamson have served the citizens of the Clover Hill District with distinction; and

WHEREAS, the committee prepared the report "Economic Development: Strategies for Success" which makes specific recommendations in the areas of strengthening the county's workforce, planning for growth and development, and preparing for the residents' needs and their impact on economic development; and

WHEREAS, the committee created the "Neighborhood Preservation: Strategies Now for Success" report to strengthen county communities by offering recommendations related to community organizations, neighborhood schools, community safety, crime prevention, and the maintenance,

rehabilitation, and design of public and private facilities;
and

WHEREAS, the committee wrote the "Youth Development: Today's Youth, Tomorrow's Leaders" report which created recommendations to maximize the opportunity for Chesterfield County youth to become engaged contributors within their communities through community, church, and private organizations, volunteerism, and school involvement; and

WHEREAS, the committee wrote the "Aging of the Population: Choices, Options and Benefits of Aging" report which recognized the opportunities created by the growing population of senior citizens, acknowledged the collective community obligation to meet seniors' needs, and offered suggestions that address the needs and opportunities of senior citizens in the areas of health, information services, mobility, education, social and leisure time, finances and housing; and

WHEREAS, the committee compiled the "Green Infrastructure: Protecting Resources for Future Generations" report concerning the conservation of open spaces, the protection of natural resources and the preservation of heritage places for the benefit of the economy, the environment and the health and well being of current Chesterfield County residents and future generations; and

WHEREAS, Mr. Liu and Ms. Williamson have dedicated countless hours to the committee during the past fourteen years.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of April 2006, publicly recognizes Mr. Victor W. Liu and Ms. Tracy Williamson and commends them for their dedication and outstanding service to the Committee on the Future and to the citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mr. Liu and Ms. Williamson and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Mr. Warren presented executed resolutions to Mr. Liu, accompanied by his wife, and to Ms. Williamson and expressed appreciation for their vital contributions to the Committee on the Future.

Mr. Liu expressed appreciation to Mr. Warren for appointing him to serve on the Committee on the Future and also thanked Board members for their support of the committee's recommendations.

Ms. Williamson expressed appreciation to the Board for the opportunity to serve on the Committee on the Future.

**5.D. RECOGNIZING MRS. ESTELLE GRANT TAYLOR ON THE OCCASION
OF HER 80TH BIRTHDAY**

Mr. Kappel introduced Mrs. Estelle Grant Taylor, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mrs. Estelle Grant Taylor was born on May 2, 1926 in Chesterfield County, Virginia; and

WHEREAS, Mrs. Taylor has been a lifelong resident of Chesterfield County; and

WHEREAS, Mrs. Taylor attended Chester High School; and

WHEREAS, while her own children attended Chesterfield County schools, Mrs. Taylor worked as an employee of Chesterfield County Public Schools for many years; and

WHEREAS, Mrs. Taylor provided diligent and faithful service as a school cafeteria employee; and

WHEREAS, Mrs. Taylor also worked at the polls for years in Chesterfield County; and

WHEREAS, Mrs. Taylor has provided many hours of selfless volunteer service to the county through the Chesterfield County Historical Society; and

WHEREAS, Mrs. Taylor has three children, six grandchildren and two great-grandchildren; and

WHEREAS, Mrs. Taylor loves to travel, conduct work in the field of genealogy, and work in her yard; and

WHEREAS, Mrs. Taylor is a native Chesterfield County jewel of whom we all can be very proud; and

WHEREAS, Mrs. Taylor's 80th birthday, being celebrated on May 2, 2006, is a suitable time to recognize a lifetime of commitment and contributions to the residents of Chesterfield County, Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of April 2006, publicly recognizes the important contributions of Mrs. Estelle Grant Taylor as a county employee, volunteer and citizen, and on the occasion of her 80th birthday, extends to her on behalf of all Chesterfield County residents congratulations and best wishes for many more years of health, happiness and fulfillment.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mrs. Taylor and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Mrs. Taylor, accompanied by members of her family, thanked her for her

contributions to the county and wished her a very happy birthday.

Members of the audience joined the Board in singing "Happy Birthday" to Mrs. Taylor.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. STREETLIGHT INSTALLATION COST APPROVALS

On motion of Mr. King, seconded by Mr. Miller, the Board approved the following streetlight installations in the Bermuda District:

- In the Quail Oaks Subdivision, at the terminus of Proctors Road, off Galena Avenue
Cost to install streetlight: \$1,740.08
- On North Enon Church Road, opposite 12620
Cost to install streetlight: \$370.94
- In the Thornhill Subdivision, on Nomini Court in the vicinity of 13802
Cost to install streetlight: \$834.33
- In the Thornhill Subdivision, on Thornhill Drive in the vicinity of 102
Cost to install streetlight: \$834.33
- In the Thornhill Subdivision, on Thornhill Drive in the vicinity of 400/402
Cost to install streetlight: \$834.33

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Agriculture and Forestry Committee; Camp Baker Management Board; Trustees to the Supplemental Retirement Plan; Richmond Metropolitan Convention and Visitors Bureau Board of Directors; Crater Workforce Investment Board; Capital Area Training Consortium; Senior Connections Board; Community Criminal Justice Services Board; and Committee on the Future.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.1. AGRICULTURE AND FORESTRY COMMITTEE

On motion of Mr. Miller, seconded by Mr. Barber, the Board simultaneously nominated/appointed Mr. Howard Nester, representing the Dale District, to serve on the Agriculture and Forestry Committee, whose term is effective immediately and expires December 31, 2006. (It is noted Mr. Nester will fill the unexpired term of Mr. Ray Payne.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.2. CAMP BAKER MANAGEMENT BOARD

On motion of Mr. Barber, seconded by Mr. Miller, the Board simultaneously nominated/reappointed Mr. Alfred Elko, representing the Midlothian District; Mr. William Collie, representing the Chester Civitan Club; Mr. Larry Hatton, representing the county at-large; and Mr. Vincent Burgess, representing the Richmond Area Association for Retarded Citizens, to serve on the Camp Baker Management Board, whose terms are effective May 1, 2006 and expire April 30, 2009.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.3. TRUSTEES TO THE SUPPLEMENTAL RETIREMENT PLAN

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed Mr. James Stegmaier, Mr. Craig Bryant and Ms. Mary Lou Lyle to serve as Trustees to the Supplemental Retirement Plan, whose terms will be at the pleasure of the Board. (It is noted Mr. Stegmaier will replace Mr. Brad Hammer, who is retiring from county service, and Mr. Bryant and Ms. Lyle are being appointed as additional trustees to prepare the county for potential trustee turnover in the future.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.4. APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

The following appointments are necessary to fill the terms of Mr. Bradford Hammer, who will retire from county service effective May 1, 2006:

8.B.4.a. RICHMOND METROPOLITAN CONVENTION AND VISITORS BUREAU

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Ms. Marilyn Cole to serve as an alternate member of the Board of Directors of Richmond Metropolitan Convention and Visitors Bureau, whose term is effective immediately and will be at the pleasure of the Board.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.4.b. CRATER WORKFORCE INVESTMENT BOARD

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Ms. Karen Aylward to serve on the Crater Workforce Investment Board, whose term is effective immediately and will be at the pleasure of the Board.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.4.c. CAPITAL AREA TRAINING CONSORTIUM

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Ms. Karen Aylward to serve on the Capital Area Training Consortium, whose term is effective immediately and will be at the pleasure of the Board.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.4.d. SENIOR CONNECTIONS BOARD

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Ms. Rebecca Dickson to serve on the Senior Connections Board, whose term is effective immediately and expires June 30, 2007.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.5. COMMUNITY CRIMINAL JUSTICE SERVICES BOARD

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Ms. Rebecca Dickson to serve on the Community Criminal Justice Services Board, whose term is effective immediately and expires June 30, 2007. (It is noted Ms. Dickson will fill the unexpired term of Mr. Bradford Hammer.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.6. COMMITTEE ON THE FUTURE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/appointed Dr. James McClellan, representing the Matoaca District, to serve on the Committee on the Future, whose term is effective immediately and will be at the pleasure of the Board.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.B.7. APPROVAL BY BOARD OF SUPERVISORS OF APPOINTMENT OF DEPUTY COUNTY ADMINISTRATOR

Mr. Ramsey stated Mr. Hammer will be retiring as Deputy County Administrator effective May 1, 2006. He further

stated, according to the county charter, the Board of Supervisors must approve the County Administrator's appointments of Deputy County Administrators. He recommended Ms. Rebecca T. Dickson to replace Mr. Hammer as Deputy County Administrator, indicating that she has led the county through many difficult budgets and is very familiar with the county's operations.

Mrs. Humphrey made a motion, seconded by Mr. Warren, for the Board to approve the appointment of Ms. Rebecca T. Dickson as Deputy County Administrator.

Mr. Barber stated he looks forward to working with Ms. Dickson in her new role as Deputy County Administrator.

Mrs. Humphrey stated Ms. Dickson has demonstrated leadership and stamina in her role as Director of Budget and Management. She congratulated her on her appointment as Deputy County Administrator.

Mr. Barber excused himself from the meeting.

Mr. Miller thanked Ms. Dickson for her efforts on behalf of county citizens and congratulated her on her appointment.

Mr. King commended Mr. Ramsey on his appointment of Ms. Dickson as Deputy County Administrator.

Mr. King then called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Warren, for the Board to approve the appointment of Ms. Rebecca T. Dickson as Deputy County Administrator.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.
Absent: Barber.

A standing ovation following the vote.

Mr. Ramsey stated he has appointed Mr. Allan Carmody as Acting Director of Budget and Management effective May 1, 2006.

Mr. Barber returned to the meeting.

Mr. Stegmaier introduced Mr. Barry Condrey, who has been hired as the county's new Chief Information Officer effective May 8th.

Mr. Condrey stated he is honored to be here.

8.D. CONSENT ITEMS

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board removed Item 8.D.9.b., Acceptance of a Parcel of Land Along the North Right of Way Line of Genito Road from Courtside, L.C., from the Consent Agenda for citizen comment.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.D.1. ADOPTION OF RESOLUTIONS

8.D.1.a. RECOGNIZING PARKWAY BAPTIST CHURCH ON THE OCCASION OF THE DEDICATION OF ITS CHURCH CAMPUS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, plans for the formation of a new Southern Baptist congregation took shape in March 2002 when a group of faithful people were commissioned by Swift Creek Baptist Church to begin church services at Grange Hall School and ministries throughout the community; and

WHEREAS, on March 3, 2002, the first worship service was held and regular activities began; and

WHEREAS, the church received a 37.5-acre tract of land on Beaver Bridge Road; and

WHEREAS, the church membership has grown from 35 members to over 400 members; and

WHEREAS, the church continues to grow, and has ministries and activities impacting children, students, adults, and families; and

WHEREAS, the church has been faithfully involved in helping people in need in various communities, states and nations; and

WHEREAS, the people of Parkway have served and supported the work of Grange Hall School and provided activities for the community; and

WHEREAS, the church is now developing a multi-phase church campus to serve the community; and

WHEREAS, for four years, the church has had a significant, positive impact on the surrounding communities, and on Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, on behalf of the citizens of Chesterfield County, extends its best wishes to Parkway Baptist Church on the occasion of its dedication of its Church Campus - Phase 1; and wishes the congregation continued success and joy in all their endeavors.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.1.b. RECOGNIZING MAY 7-13, 2006, AS "ARSON AWARENESS WEEK" IN CHESTERFIELD COUNTY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, wildfire arson is not simply a regional problem but a serious national problem causing loss of life and major destruction of homes, businesses, and natural resources; and

WHEREAS, wildfire arson is a serious crime that affects all people and can be stopped only when citizens realize the toll that wildfire arson takes on communities; and

WHEREAS, citizens and their communities need to be vigilant about preventing wildfire arson and should prepare for instances when wildland fires occur; and

WHEREAS, it is important to maintain the public focus on arson and prevention and to honor the firefighters who protect the public; and

WHEREAS, public awareness is one of the specific responsibilities of the U.S. Fire Administration, the International Association of Arson Investigators, Incorporated and the National Wildfire Coordination Group; and

WHEREAS, the theme of this year's Arson Awareness Week is "Wildfire Arson - Preparedness and Prevention."

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the week of May 7-13, 2006, as "Arson Awareness Week" and calls upon the citizens of Chesterfield County to participate in fire safety and prevention by working jointly with Chesterfield Fire and EMS to create and encourage community awareness and understanding towards reducing the number of wildland fires.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.1.c. RECOGNIZING THE WEEK OF APRIL 30-MAY 6, 2006, AS "MUNICIPAL CLERKS WEEK"

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, the records kept of meetings and actions taken by governing bodies, which are disseminated by Municipal Clerks, are essential in maintaining continuity in local government; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Municipal Clerk serves as the information center on functions of local government and the community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in educational programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the week of April 30-May 6, 2006, as "Municipal Clerks Week" and extends their appreciation to Chesterfield's Municipal Clerks, Mrs. Lisa Elko, CMC and Mrs. Janice Blakley, CMC, Clerk and Deputy Clerk, respectively, to the Chesterfield Board of Supervisors, and to all Municipal Clerks for the vital services they perform and for their exemplary dedication to the communities they represent.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.1.d. RECOGNIZING MAY 14-20, 2006, AS "BUSINESS APPRECIATION WEEK" IN CHESTERFIELD COUNTY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Chesterfield County has a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses are both domestically and internationally based and range in size from very small entrepreneurial companies to large companies; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of Chesterfield County; and

WHEREAS, nearly \$686.6 million has been invested and 941 new jobs created by industry thus far in fiscal year 2005-2006, with the total impact of county businesses being an integral part of the local economy and vital to supporting the high quality of life enjoyed by Chesterfield residents; and

WHEREAS, business tax revenues are critical in offsetting the cost of county-provided services required by our rapidly growing residential sector, in addition to industry taking an active role in making the community a better place through their commitment to charitable organizations, schools, recreation and other worthwhile endeavors.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors hereby expresses its gratitude on behalf of county residents to all businesses and industry located in Chesterfield for their contributions over many years by recognizing May 14-20, 2006, as "Business Appreciation Week."

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.1.e. RECOGNIZING MAY 14-20, 2006, AS "NATIONAL LAW ENFORCEMENT WEEK"

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, one of Chesterfield County's eight strategic goals is "to be the safest and most secure community compared to similar jurisdictions"; and

WHEREAS, no human aspiration is more fundamental and important than safety of family, self and others whom we hold dear; and

WHEREAS, the dedicated, loyal and brave members of the various law enforcement agencies that operate in Chesterfield County provide an invaluable service to all citizens; and

WHEREAS, this service, provided 24 hours a day and 365 days a year, is part of the foundation upon which our quality of life rests; and

WHEREAS, during a time of war overseas and heightened risks of terrorist attacks on our homeland, law enforcement agencies are doing everything within their means to provide for the security of our nation during these trying times; and

WHEREAS, the week of May 14-20, 2006, is widely recognized across the nation as "National Law Enforcement Week" and will honor the 151 law enforcement officers who gave their lives in 2005 in the line of duty; and

WHEREAS, Chesterfield County is proud and honored to have such outstanding and professional individuals serving as law enforcement officers in the county to protect the health, safety and welfare of its citizenry.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors hereby recognizes the week of May 14-20, 2006, as "National Law Enforcement Week" in Chesterfield County and calls this recognition to the attention of all its citizens.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.1.f. IDENTIFYING CHANGES IN THE SECONDARY SYSTEM OF STATE HIGHWAYS; ROBIOUS ROAD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Virginia Department of Transportation has provided the Board of Supervisors with a sketch dated April 12, 2006, depicting the abandonments and additions required in the secondary system of state highways which sketch is hereby incorporated herein by reference; and

WHEREAS, new roads serve the same citizens as those portions of old roads identified to be abandoned and those segments no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby abandon as a part of the secondary system of state highways those portions of roads identified by the sketch to be abandoned, pursuant to Section 33.1-155, Code of Virginia, 1950, as amended.

AND, BE IT FURTHER RESOLVED the Board of Supervisors requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of roads identified by the sketch to be added, pursuant to Section 33.1-229, Code of Virginia, 1950, as amended.

AND, BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.2. REQUEST FOR A PERMIT TO STAGE A FIREWORKS DISPLAY AT THE SUNDAY PARK PENINSULA OF BRANDERMILL ON JULY 4, 2006

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from the Brandermill Community Association for a permit to stage a fireworks display at the Sunday Park Peninsula at Brandermill on July 4, 2006, with a rain date of July 5th.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.3. TRANSFER OF DISTRICT IMPROVEMENT FUNDS FROM THE CLOVER HILL DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO PURCHASE AND INSTALL A SCOREBOARD AT THE MONACAN HIGH SCHOOL SOFTBALL FIELD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board transferred \$7,000 from the Clover Hill District Improvement Fund to the Parks and Recreation Department to purchase and install a scoreboard at the Monacan High School softball field.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.4. SET PUBLIC HEARING DATES

8.D.4.a. TO CONSIDER AMENDMENTS RELATING TO MULTIFAMILY AND TOWNHOUSE USES PERMITTED IN C-3 AND C-4 DISTRICTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of May 24, 2006 at 7:00 p.m. for a public hearing for the Board to consider amendments relating to multifamily and townhouse uses permitted in C-3 and C-4 Districts.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.D.4.b. TO CONSIDER THE APPROPRIATION OF ADDITIONAL FUNDS
FOR THE ROUTE 360 (SWIFT CREEK TO WINTERPOCK ROAD)
COMBINED WIDENING PROJECT**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of May 24, 2006 at 7:00 p.m. for the Board to consider the appropriation of an additional \$2 million in anticipated Virginia Department of Transportation reimbursements for the Route 360 (Swift Creek to Winterpock Road) Combined Widening Project.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.D.5. AWARD OF CONSTRUCTION CONTRACT

**8.D.5.a. FOR THE NEWBYS BRIDGE ROAD AT DORTONWAY DRIVE
PROJECT**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the County Administrator to enter into the necessary environmental permits and award a construction contract to Shoosmith Brothers, in the amount of \$283,794, for the Newbys Bridge Road at Dortonway Drive Project.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

**8.D.5.b. FOR THE GAYLAND AVENUE WATER LINE REHABILITATION
PROJECT TO GODSEY AND SON, INCORPORATED**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board awarded a construction contract to Godsey and Son, Incorporated, in the amount of \$113,114, for County Project #05-0313, Gayland Avenue Water Line Rehabilitation Project, and authorized the County Administrator to execute the necessary documents.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.D.6. STATE ROAD ACCEPTANCE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets

described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Bayhill Pointe, Section 15**

● **Hollow Oak Road, State Route Number: 5720**

From: 0.04 mi. S of Hollow Oak Dr., (Rt. 5597)

To: Penny Bridge Dr., (Rt. 5951), a distance of: 0.04 miles.

Right-of-way record was filed on 8/17/2004 with the Office Of Clerk To Circuit Court in Pb. 146 Pg 83,
with a width of 44 feet

● **Penny Bridge Drive, State Route Number: 5951**

From: Hollow Oak Rd., (Rt. 5720)

To: Bailey Oak Dr., (Rt. 5953), a distance of: 0.03 miles.

Right-of-way record was filed on 8/17/2004 with the Office Of Clerk To Circuit Court in Pb. 146 Pg 83,
with a width of 50 feet

● **Penny Bridge Drive, State Route Number: 5951**

From: Bailey Oak Dr., (Rt. 5953)

To: Temporary end of maintenance, a distance of: 0.01 miles.

Right-of-way record was filed on 8/17/2004 with the Office Of Clerk To Circuit Court in Pb. 146 Pg 83,
with a width of 50 feet

● **Bailey Oak Drive, State Route Number: 5953**

From: Penny Bridge Dr., (Rt. 5951)

To: Bailey Oak Ct., (Rt. 5954), a distance of: 0.09 miles.

Right-of-way record was filed on 8/17/2004 with the Office Of Clerk To Circuit Court in Pb. 146 Pg 83,
with a width of 44 feet

● **Bailey Oak Drive, State Route Number: 5953**

From: Bailey Oak Ct., (Rt. 5954)

To: Temporary end of maintenance, a distance of: 0.03 miles.

Right-of-way record was filed on 8/17/2004 with the Office Of Clerk To Circuit Court in Pb. 146 Pg 83,
with a width of 44 feet

● **Bailey Oak Court, State Route Number: 5954**

From: Bailey Oak Dr., (Rt. 5953)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 8/17/2004 with the Office Of Clerk To Circuit Court in Pb. 146 Pg 83,
with a width of 44 feet

● Penny Bridge Drive, State Route Number: 5951

From: Hollow Oak Rd., (Rt. 5720)

To: Penny Bridge Pl., (Rt. 5952), a distance of: 0.08 miles.

Right-of-way record was filed on 8/17/2004 with the Office Of Clerk To Circuit Court in Pb. 146 Pg 83,
with a width of 50 Feet

● Penny Bridge Drive, State Route Number: 5951

From: Penny Bridge Pl., (Rt.5952)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 8/17/2004 with the Office Of Clerk To Circuit Court in Pb. 146 Pg 83,
with a width of 50 feet

● Penny Bridge Place, State Route Number: 5952

From: Penny Bridge Dr., (Rt. 5951)

To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 8/17/2004 with the Office Of Clerk To Circuit Court in Pb. 146 Pg 83,
with a width of 44 feet

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Oak Park, Section 1

● **Live Oak Lane, State Route Number: 5983**

From: Huguenot Rd., (Rt. 147)

To: Live Oak Lane Roundabout, (Rt. 5984), a distance of: 0.03 miles.

Right-of-way record was filed on 7/3/2001 with the Office Of Clerk To Circuit Court in Pb. 118 Pg.98,
with a width of 40 feet

● **Live Oak Lane Roundabout, State Route Number: 5984**

From: Live Oak Ln., (Rt. 5983)

To: Live Oak Ct., (Rt. 5986), a distance of: 0.01 miles.

Right-of-way record was filed on 7/3/2001 with the Office Of Clerk To Circuit Court in Pb. 118 Pg.98,
with a width of 110 feet

● **Live Oak Court, State Route Number: 5986**

From: Live Oak Lane Roundabout, (Rt. 5984)

To: Cul-de-sac, a distance of: 0.32 miles.

Right-of-way record was filed on 7/3/2001 with the Office Of Clerk To Circuit Court in Pb. 118 Pg.98,
with a width of 40 feet

● **Live Oak Lane Roundabout, State Route Number: 5984**

From: Live Oak Ct., (Rt. 5986)

To: Live Oak Ln., (Rt. 5983), a distance of: 0.01 miles.

Right-of-way record was filed on 7/3/2001 with the Office Of Clerk To Circuit Court in Pb. 118 Pg.98,
with a width of 110 feet

● **Live Oak Lane, State Route Number: 5983**

From: Live Oak Lane Roundabout, (Rt. 5984)

To: Temporary EOM, a distance of: 0.11 miles.

Right-of-way record was filed on 7/3/2001 with the Office Of Clerk To Circuit Court in Pb. 118 Pg.98,
with a width of 40 feet

● **Live Oak Lane Roundabout, State Route Number: 5984**

From: Live Oak Ln., (Rt. 5983)

To: Live Oak Dr., (Rt. 5985), a distance of: 0.01 miles.

Right-of-way record was filed on 7/3/2001 with the Office Of Clerk To Circuit Court in Pb. 118 Pg.98,
with a width of 110 feet

● **Live Oak Drive, State Route Number: 5985**

From: Live Oak Lane Roundabout, (Rt. 5984)

To: Temporary EOM, a distance of: 0.03 miles.

Right-of-way record was filed on 7/3/2001 with the Office Of Clerk To Circuit Court in Pb. 118 Pg.98,
with a width of 40 feet

● **Live Oak Lane Roundabout, State Route Number: 5984**

From: Live Oak Dr., (Rt. 5985)

To: Live Oak Ln., (Rt. 5983), a distance of: 0.01 miles.

Right-of-way record was filed on 7/3/2001 with the Office Of Clerk To Circuit Court in Pb. 118 Pg.98,
with a width of 110 feet

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Oak Park, Section 2**

● **Live Oak Lane, State Route Number: 5983**

From: 0.11 mi. W of Live Oak Lane Roundabout, (Rt. 5984)

To: Big Oak Ln., (Rt. 815), a distance of: 0.21 miles.

Right-of-way record was filed on 7/30/2002 with the Office Of Clerk To Circuit Court in Pb. 128 Pg. 2,
with a width of 40 feet

● **Live Oak Drive, State Route Number: 5985**

From: 0.03 mi. W of Live Oak Lane Roundabout, (Rt. 5984)

To: Live Oak Cr., (Rt. 5987), a distance of: 0.04 miles.

Right-of-way record was filed on 7/30/2002 with the Office Of Clerk To Circuit Court in Pb. 128 Pg. 2,
with a width of 40 feet

● **Live Oak Circle, State Route Number: 5987**

From: Live Oak Dr., (Rt. 5985)

To: Live Oak Dr., (Rt. 5985), a distance of: 0.24 miles.

Right-of-way record was filed on 7/30/2002 with the Office Of Clerk To Circuit Court in Pb. 128 Pg. 2,
with a width of 40 feet

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.D.7. AUTHORIZATION TO EXERCISE EMINENT DOMAIN FOR THE ACQUISITION OF EASEMENTS FOR HALLSLEY SUBDIVISION

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the County Attorney to proceed with eminent domain for the acquisition of a 40-foot permanent waterline easement and a 20-foot temporary construction easement across the property of Jeanne G. Watkins (PIN 712707345700000), Trustee of the Jeanne G. Watkins Trust Agreement dated July 16, 2002. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.8. REQUEST TO VACATE AND REDEDICATE A SIXTEEN-FOOT WATER EASEMENT, A TWENTY-FOOT STORM WATER MANAGEMENT SYSTEM/BEST MANAGEMENT PRACTICE ACCESS EASEMENT AND A VARIABLE WIDTH STORM WATER MANAGEMENT SYSTEM/BEST MANAGEMENT PRACTICE EASEMENT ACROSS THE PROPERTY OF BELLWOOD INVESTMENTS, LLC

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an agreement to vacate and rededicate a 16-foot water easement, a 20-foot storm water management/best management practice access easement and a variable width storm water management/best management practice easement across the property of Bellwood Investments, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.9. ACCEPTANCE OF PARCELS OF LAND

8.D.9.a. ALONG THE NORTHWEST RIGHT OF WAY LINE OF OTTERDALE ROAD FROM CHARLES J. HUBBARD AND MEADY FRANCES HUBBARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.167 acres along the northwest right of way line of Otterdale Road (State Route 667) from Charles J. Hubbard and Meady Frances Hubbard, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.9.c. ALONG THE NORTHWEST RIGHT OF WAY LINE OF OTTERDALE ROAD FROM DELORES JONES LAMBERT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.106 acres along the northwest right of way line of Otterdale Road (State Route 667) from Delores Jones Lambert, and authorized

the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.D.9.d. ALONG THE WEST RIGHT OF WAY LINE OF WINTERPOCK ROAD
FROM F. CRAIG WATERS**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.10 acres along the west right of way line of Winterpock Road (State Route 621) from F. Craig Waters, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.D.10. DECLARE A PARCEL OF LAND, WITH IMPROVEMENTS, SURPLUS
AND OFFER FOR SALE**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board declared a parcel of land with improvements, PIN: 764688922400000, 4356 Ketcham Drive, surplus property, and offered the property for sale by sealed bids. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.11. REQUESTS FOR PERMISSION

**8.D.11.a. FROM VERIZON VIRGINIA INCORPORATED FOR UNDERGROUND
CABLE TO ENCROACH WITHIN A FORTY-FOOT COUNTY RIGHT
OF WAY KNOWN AS TOWER LIGHT ROAD**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Verizon Virginia Incorporated for permission for underground cable to encroach within a 40-foot unimproved county right of way known as Tower Light Road, subject to the execution of a license agreement. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.D.11.b. FROM BON SECOURS-SAINT FRANCIS MEDICAL CENTER,
INCORPORATED FOR SEGMENTAL RETAINING WALLS TO
ENCROACH WITHIN A SIXTEEN-FOOT SEWER EASEMENT
ACROSS ITS PROPERTY**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Bon Secours-Saint Francis Medical Center, Incorporated for permission for segmental retaining walls to encroach within a 16-foot sewer easement across its property, subject to the execution of a license agreement.

(It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.11.c. FROM J. MAC HOMES, INCORPORATED FOR AN EXCEPTION TO THE USE OF PUBLIC WASTEWATER FOR A PROPOSED RESIDENTIAL STRUCTURE LOCATED ON ACADEMY DRIVE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from J. Mac Homes, Incorporated for an exception to the use of public wastewater for a proposed residential structure located at 10780 Academy Drive. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.11.d. FROM LOUIS B. AND SUZANNE SCHIMMEL FOR A PROPOSED WOODEN DECK TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 5, SMOKETREE, SECTION O

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Louis B. Schimmel and Suzanne Schimmel for permission for a proposed wooden deck to encroach within a 16-foot drainage easement across Lot 5, Smoketree, Section O, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.D.12. APPROVAL OF FY2007 PRIORITY LIST OF PRIMARY AND INTERSTATE NEEDS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the transmittal of a primary and interstate road needs letter to the Commonwealth Transportation Board and the county's Legislative Delegation. (It is noted a copy of the Priority List of Highway Projects and letter to the Commonwealth Transportation Board are filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

The following item was removed from the Consent Agenda for citizen comment:

8.D.9.b. ACCEPTANCE OF A PARCEL OF LAND ALONG THE NORTH RIGHT OF WAY LINE OF GENITO ROAD FROM COURTSIDE, L.C.

Ms. Andrea Epps expressed concerns relative to the additional traffic that will be generated at the intersection of Fox

Chase Drive and Genito Road as a result of recently approved developments.

In response to Board members questions, Ms. Epps stated it is her opinion that the zoning is incorrect for the parcel of land the county is being asked to accept. She further stated she is asking the Board not to accept the parcel of land and to request that the Planning Commission review the zoning of the property surrounding the intersection.

Discussion ensued relative to issue Ms. Epps raised during the January 25, 2006 public hearing when the Board considered an amendment to Conditional Use Planned Development to permit drive thru facilities on property located on Genito Road in the vicinity of this intersection.

In response to Mr. Miller's question, Mr. Micas stated the Board approved the amendment to Conditional Use Planned Development more than 30 days ago, and the decision was not appealed. He further stated the county is being asked to accept the property for right of way as a condition of the zoning amendment.

Ms. Epps stated she is not contesting the property ownership, just the zoning.

In response to Mr. Warren's question, Ms. Epps stated she has a petition with approximately 200 signatures of citizens requesting that access from Charter Colony not be granted for the CVS Pharmacy, and also requesting a review of the zoning of this piece of property and the property surrounding the intersection of Fox Chase Drive and Genito Road.

In response to Mr. King's question, Mr. Turner stated he investigated the issue Ms. Epps raised at the January 25th public hearing and provided a determination, in writing, that the property was properly zoned. He further stated the time period for appeal of his decision to the Planning Commission has expired.

Mr. Miller stated Ms. Epps and the other citizens should have an opportunity to provide input regarding the access location of the CVS Pharmacy.

Mr. Turner stated Planning staff is in the process of reviewing site plans for the CVS Pharmacy, and it is important that the community follow the site plan process. He further stated if the community is not pleased with staff's decision, they have the right to appeal to the Planning Commission on the basis of safety concerns.

In response to Mr. Warren's questions, Mr. Harmon stated improvements have already been made, and the county must accept the conveyance of right of way so that the improvements can be accepted into the state road system.

No one else came forward to speak to the issue.

Mr. Warren made a motion, seconded by Mr. King, for the Board to accept the conveyance of a parcel of land containing 0.202 acres along the north right of way line of Genito Road (State Route 604) from Courtside, L.C., and authorize the County Administrator to execute the deed.

Mr. Miller stated Ms. Epps' concerns are broader than the property acceptance and ownership, and Mr. Turner will provide her with information regarding access issues at the intersection she is concerned about.

Mr. King called for a vote on the motion of Mr. Warren, seconded by Mr. King, for the Board to accept the conveyance of a parcel of land containing 0.202 acres along the north right of way line of Genito Road (State Route 604) from Courtside, L.C., and authorize the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

9. REPORTS

9.A. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

9.B. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

9.C. REPORT ON VIDEO SERVICE IN PORTIONS OF THE COUNTY BY CAVALIER IPTV

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the following reports: a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; a Report on Developer Water and Sewer Contracts; and a Report on Video Service in Portions of the County by Cavalier IPTV.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

10. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS

Mr. Timothy Whitworth signed up to address the Board at this time; however, he was not present at the meeting.

Mr. George Beadles suggested that the Board place half of the annual District Improvement Fund allocations into supervisors' accounts in July and the other half in January so that newly elected supervisors would still have District Improvement Funds available when they took office on January 1st.

11. DINNER WITH MEMBERS OF THE CHESTERFIELD VOLUNTEER FIRE CHIEFS ASSOCIATION

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board members recessed to the Administration Building, Room 502, for a dinner meeting with members of the Chesterfield Volunteer Fire Chiefs Association.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Reconvening:

Mr. Les Lauziere, President of the Chesterfield Volunteer Fire Chiefs Association, expressed appreciation for the leadership provided by Chief Mauger during his first year as fire chief. He highlighted recent accomplishments of Chesterfield's volunteer fire companies, including Company 13's Auxiliary support of operations; securing of federal grants for fire apparatus and equipment; and fundraising efforts. He stated greater incentives are very important for the retention of volunteer firefighters. He then made several requests of the Board, including increased call reimbursement; funding of the Volunteer Length of Service Award Program (VOLSAP); increased annual volunteer fire company reimbursement; funding for volunteer fire station enhancements; and updated pagers and a pager alerting system. He thanked the Board for meeting with the association.

Mr. Ramsey commended Company 13 Auxiliary for their exceptional service during the recent rescue efforts at Swift Creek Reservoir.

Reconvening:

12. INVOCATION

Reverend Juanita Harrison, Minister of Christian Education, Tabernacle Baptist Church, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Deputy County Administrator Bradford Hammer led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS

14.A. RECOGNIZING MR. BRADFORD HAMMER FOR HIS SERVICE TO CHESTERFIELD COUNTY

Mr. Ramsey called forward Mr. Brad Hammer to receive the resolution. He stated Mr. Hammer has made tremendous contributions to the county during his 20 years of service. He further stated Mr. Hammer has been a valuable member of the county's leadership team and a great colleague, and he will truly be missed. He wished Mr. Hammer the best in his retirement.

Mr. Barber stated Mr. Hammer has done a lot in the community and is leaving quite a legacy behind. He thanked him on behalf of those who could not be here today to do so in person.

Mr. Warren thanked Mr. Hammer for the working relationship he had with The Friends of the Library during the construction of the new LaPrade Library and for his good advice about playing golf.

Mr. Miller stated he has never known a person who served the public with more professionalism and integrity than Mr. Hammer. He thanked Mr. Hammer for everything he has done for the county and wished him Godspeed in his retirement.

Mrs. Humphrey thanked Mr. Hammer for leading the county's efforts to restore the community following Hurricane Isabel.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Bradford S. Hammer is Chesterfield County's deputy county administrator for Human Services, overseeing the daily operations of Community Corrections Services, Extension Services, the Health Department, Juvenile Detention Home, Juvenile Group Home, Court Services, Public Libraries, Mental Health Support Services, the Lucy Corr Nursing Home, Parks and Recreation, Social Services and Youth Planning and Development; and

WHEREAS, Mr. Hammer previously served as Chesterfield County's deputy county administrator for Management Services from 1986 until July 1997; and

WHEREAS, prior to his employment with Chesterfield County, Mr. Hammer had already achieved an exemplary level of success, including serving in the governor's office in West Virginia, serving as a federal state grants coordinator in Fairfax County, Virginia, as Community Services Board director for the Greater Williamsburg Area, as budget director for the City of Newport News, and as deputy city manager of the City of Alexandria; and

WHEREAS, Mr. Hammer led the county bond team that helped Chesterfield County attain AAA bond ratings from 1986-1998 with the Public Resources Advisory Group; and

WHEREAS, Mr. Hammer was project leader for the 1989 courthouse, Rogers Building, Public Safety Training Center and Information Systems Technology buildings; and was co-founder and corporate treasurer of Virginia Civil War Trails, now operating in Virginia, Maryland and North Carolina; and

WHEREAS, Mr. Hammer co-chaired the work group to take Brandermill Woods Retirement Center out of federal bankruptcy and to become a successful, self-supporting, not-for-profit retirement community; and

WHEREAS, Mr. Hammer served as president, Central Virginia Health Planning Agency from 2003-2005, and also served as president of Richmond Sportsbackers; and

WHEREAS, Mr. Hammer was the original manuscript editor of Chesterfield County History, Volume II; and

WHEREAS, Mr. Hammer served as chair, Supplemental Retirement Board from 1986-2006, and as chair, Comprehensive Services Management Team from 1998-2006; and

WHEREAS, Mr. Hammer also was chair, Chesterfield/Colonial Heights Criminal Justice Board and chair, Richmond Urban Area Initiative Federal Homeland Security Task Force, overseeing expenditures for a \$6.5 million grant from 2004-2006; and

WHEREAS, Mr. Hammer, having devoted 35 years to public service, exemplified by outstanding leadership, wisdom, vision and dedication, has announced that he will retire from service with Chesterfield County on May 1, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26th day of April 2006, publicly recognizes the exemplary career achievements of Mr. Bradford S. Hammer, thanks him for his innumerable contributions to the people of Chesterfield County and the Greater Metropolitan Richmond region, and extends to him heartfelt appreciation and warmest wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mr. Hammer and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

The executed resolution was presented to Mr. Hammer, accompanied by his wife, Board members and Mr. Ramsey.

Mr. King expressed appreciation to Mr. Hammer for a job well done and wished him well in his retirement. He then introduced Mr. George Drumwright, Henrico County's Deputy County Manager for Special Services.

Mr. Drumwright presented Mr. Hammer with a plaque in recognition of his service as a member of the Virginia Association of Local Human Service Officials (VALSO), and expressed appreciation for the expertise he provided in the field of human services.

Mr. Hammer expressed appreciation to his Administrative Assistants, Ms. Ann Crews, and Ms. Stephenie Mann, for their outstanding assistance during his tenure. He also thanked his department heads, Board members and judges, past and present, fellow VALSO members, his wife, Mr. Ramsey, Mr. Micas and others for their support throughout the years.

14.B. RECOGNIZING MAY 14-20, 2006, AS "EMERGENCY MEDICAL SERVICES WEEK" IN CHESTERFIELD COUNTY

Mr. David Tesh, Volunteer Recruitment and Retention Coordinator, introduced Mr. Les Ryan, representing Ettrick-Matoaca Volunteer Rescue Squad; Mr. Kyle McLaughlin, representing Manchester Volunteer Rescue Squad; Ms. Fran Phillips, representing Forest View Volunteer Rescue Squad; Mr. Barry Drumheller, representing Bensley-Bermuda Volunteer Rescue Squad; Ms. Tammy Higgins, representing the Emergency Communications Center; and Battalion Chief Robert Lukhard, representing Chesterfield Fire and Emergency Medical Services, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need twenty-four hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care costs; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, communications officers, educators, administrators, and others; and

WHEREAS, working together, these emergency medical services teams responded to 21,996 medical emergencies in 2005; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in many hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, the citizens and guests of Chesterfield County benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of the emergency medical services providers from Chesterfield Fire and EMS, Chesterfield County's Emergency Communications Center, and the Volunteer Rescue Squads of Bensley-Bermuda, Ettrick-Matoaca, Forest View, and Manchester.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 26th day of April 2006, publicly recognizes the week of May 14-20, 2006, as "Emergency Medical Services Week."

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Mr. Barber presented executed resolutions to representatives from each of the rescue squads, Chesterfield Fire and EMS, and the Emergency Communications Center, and expressed appreciation for the valuable services provided by the county's emergency medical services providers.

Mr. Drumheller expressed appreciation to the Board for its continued support of emergency medical services in Chesterfield County.

14.C. RECOGNIZING MR. ANDREW DEITRICK FOR HIS OUTSTANDING LEADERSHIP

Mr. Kappel introduced Mr. Andrew Deitrick, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Andrew Deitrick is a student at Monacan High School; and

WHEREAS, Mr. Deitrick began playing golf at The First Tee of Chesterfield approximately five years ago; and

WHEREAS, along with playing golf, Mr. Deitrick took classes in Life Skills, such as goal setting, as part of The First Tee's program; and

WHEREAS, after undergoing this training, Mr. Deitrick also attended a week-long academy at Kansas State University; and

WHEREAS, at that academy, and at another one held at the same university the following year, Mr. Deitrick was able to apply the Life Skills training he received at The First Tee of Chesterfield to work effectively with other students; and

WHEREAS, during his second academy experience, Mr. Deitrick was selected to try out for a tournament at Pebble Beach, and subsequently qualified for this prestigious course; and

WHEREAS, during the week of the tournament, Mr. Deitrick faced many unprecedented challenges and pressures, which he was able to overcome; and

WHEREAS, Mr. Deitrick has since spoken to large groups, and given private interviews, to help others to learn and apply the Life Skills training he has acquired; and

WHEREAS, it is appropriate to recognize Mr. Deitrick for his exemplary and selfless efforts to mentor other young people in order to enable them to be more successful in life.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield Board of Supervisors, this 26th day of April 2006, publicly recognizes the outstanding example set by Mr. Andrew Deitrick, commends him for his leadership efforts to assist other young people, and wishes him continued success in all his endeavors.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. Deitrick, and that this resolution be recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Deitrick, commended him on his outstanding leadership skills, and wished him well in his future endeavors.

Mr. Deitrick expressed appreciation to the Board for its support of First Tee Chesterfield and also to his parents for their support.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION
WILL BE HEARD AT SECTION 17**

05SN0185

In Midlothian Magisterial District, COMMERCIAL LAND DEVELOPMENT requests rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2) with Conditional Use to permit commercial uses and Conditional Use Planned Development to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on 36.4 acres fronting approximately 1,100 feet on the south line of Midlothian Turnpike, also fronting in two (2) places for a total of approximately 730 feet on the west line of Otterdale Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 720-709-6011; 721-708-2383; and 721-709-2704 and 3240 (Sheet 5).

Mr. Turner stated the applicant has requested a deferral until May 24, 2006.

Mr. Jim Theobald, representing the applicant, requested a deferral until May 24, 2006.

Mr. King called for public comment on the deferral.

No one came forward to speak to the deferral.

On motion of Mr. Barber, seconded by Mr. King, the Board deferred Case 05SN0185 until May 24, 2006.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0141 (Amended)

In Clover Hill Magisterial District, TBA DEVELOPMENT LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 26.9 acres lying at the northern termini of South Twilight Lane and Oxer Road. Tax IDs 757-696-Part of 7441 and 8070 and 758-696-Part of 0254 and Part of 2884 (Sheet 11).

Mr. Turner presented a summary of Case 06SN0141 and stated the Planning Commission and staff recommended approval of the

rezoning request and acceptance of the proffered conditions, and also recommended approval of the request for waiver to street connectivity requirements because connection would result in traffic cut-through that would substantially increase the volume traffic on connecting subdivisions which in some instances already exceed 1,500 cars per day.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved Case 06SN0141 and accepted the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2006; or
 - B. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
3. The maximum density of this development shall not exceed forty five (45) lots. (P)
4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. All dwelling units shall have a minimum gross floor area of 1800 square feet. (BI&P)
6. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)
7. Prior to tentative subdivision approval, the developer shall submit certification to the Planning Department that all adjacent property owners have been notified in writing of the submission of the tentative plan to the County for review and approval. The tentative subdivision application shall not be considered complete

until such certification has been submitted to the Planning Department. The fifteen (15) day period for referral to the Planning Commission shall not commence until such certification has been provided. (P)

8. Until such time as the project is fully developed and all initial occupancy permits have been granted, all exterior construction activity shall be limited to between the hours of 6:00 am and 9:00 pm. This condition shall not preclude interior construction activity once the structure is enclosed by walls and a roof. (P)
9. There shall be no vehicular access to North Twilight Lane. (P&T)
10. The developer shall design and construct the subdivision such that no water from impervious surfaces shall sheet flow onto Three Pines subdivision to the west or Foxberry subdivision to the south. (EE)
11. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
 - A. No lot shall be used except for residential purposes.
 - B. No initial improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.
 - C. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
 - D. In considering requests for approval of fences and hedges, the following general guidelines will be applied:
 - i. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).

- ii. No fence or hedge shall generally be permitted higher than 48 inches of any Lot.
 - iii. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
- E. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
- F. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
- G. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
- H. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph B.
- I. No above ground swimming pools shall be permitted. No in-ground swimming pools shall be located nearer to any street line than the rear building line of the dwelling.
- J. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
- K. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
- L. No portable air conditions units will be place in any window of a dwelling or other building if visible from a public street.
- M. No exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building, except as permitted by law.
- N. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar

vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph B.

- O. Any one or more of the covenants or restrictions imposed by paragraphs A through N above may be waived or modified, in whole or in part, as to the entire Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.
- P. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
- Q. Invalidation of any one of the provisions of these restrictions by judgement, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.
- R. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
- S. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
- T. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.

U. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants. (P)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Mr. Warren then made a motion, seconded by Mr. Miller, for the Board to approve the request for waiver to street connectivity requirements for Case 06SN0141.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0161

In Bermuda Magisterial District, BARTHURST HOMES, INC. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 7.2 acres fronting approximately 650 feet on the south line of Old Happy Hill Road, also fronting approximately 230 feet on the east line of Branders Bridge Road and located in the southeast quadrant of the intersection of these roads. Tax ID 785-646-8847 (Sheet 34).

Mr. Turner presented a summary of Case 06SN0161 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Larry Barthurst, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 06SN0161 and accepted the following proffered conditions:

1. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:
 - A) \$15,600.00 per dwelling unit, if paid prior to July 1, 2006; or
 - B) The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

- C) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
 3. In conjunction with the recordation of the initial subdivision plat, forty-five (45) feet of right of way on the south side of Old Happy Hill Road and forty-five (45) feet of right of way on the east side of Branders Bridge Road, measured from the centerlines of those roads, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 4. There shall be no direct access from the property to Branders Bridge Road. Direct access from the property to Old Happy Hill Road shall be limited to one (1) public road. The exact location of this public road shall be approved by the Transportation Department. (T)
 5. In conjunction with the initial section, the developer shall be responsible for the following improvements:
 - i) Construction of additional pavement along Old Happy Hill Road at the public road intersection to provide left and right turn lanes based on Transportation Department standards.
 - ii) Widening/improving the south side of Old Happy Hill Road and the east side of Branders Bridge Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage; and,
 - iii) Dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements. (T)
 6. All dwelling units shall have a minimum gross floor area of 2500 square feet. (P)
 7. Prior to tentative subdivision approval, the developer shall submit certification to the Planning department that all adjacent property owners have been notified in writing of the submission of the tentative plan to the county for review and approval. The tentative subdivision application shall not be considered complete until such certification has been submitted to the planning Department. The fifteen (15) day period for

referral to the planning Commission shall not commence until such certification has been provided. (P)

8. At a minimum the following restrictive covenants shall be recorded in conjunction with recordation of any subdivision plat:

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0197

In Bermuda Magisterial District, MICHAEL A. COLE requests rezoning and amendment of zoning district map from Community Business (C-3) and Light Industrial (I-1) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use and residential use of 2.51-4 units per acre. This request lies on 6.3 acres fronting approximately 120 feet on the west line of Jefferson Davis Highway approximately 430 feet south of Walmsley Boulevard. Tax IDs 789-692-Part of 4413 and 6959 (Sheet 12).

Mr. Turner presented a summary of Case 06SN0197 and stated the Planning Commission and staff recommended approval and acceptance of one proffered condition.

Mr. Michael Cole stated the recommendation is acceptable.

Mr. King called for public comment.

Ms. Ree Hart, representing the Ampthill Civic Association, stated she supports the request.

Mr. Floyd O'Brien, a resident of Falling Creek Avenue, stated he supports the request.

There being no one else to speak to the request, the public hearing was closed.

On motion of Mr. King, seconded by Mr. Barber, the Board approved Case 06SN0197 and accepted the following proffered condition:

Uses permitted shall be limited to those uses permitted by right or with restrictions in the General Business (C-5) District except the following uses shall not be permitted:

1. Travel trailer parks;
2. Manufactured home, modular home and travel trailer sales, service, repair and rental;
3. Motels, motor courts or tourist homes;
4. Tractor-trailer service stations; and,
5. Truck terminal.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SR0261

In Midlothian Magisterial District, MARY ROSS LEE requests renewal of temporary manufactured home permit 99SN0235 to park a temporary manufactured home in a Residential (R-7) District. The density of this proposal is approximately two (2) units per acre. The Comprehensive Plan suggests the property is appropriate for residential use. This property is known as 1320 Railroad Avenue. Tax ID 728-709-3772 (Sheet 5).

Mr. Turner presented a summary of Case 06SR0261 and stated staff recommended approval for seven years, subject to conditions.

Mr. Barber stated staff had informed him that it would be very difficult for the applicant to be physically present at the meeting.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved Case 06SR0261 for seven years, subject to the following conditions:

1. The applicant shall be the owner of the temporary manufactured home.
2. The temporary manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a temporary manufactured home site nor shall any temporary manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a temporary manufactured home. All temporary manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0157

In Matoaca Magisterial District, M&K DEVELOPERS, LLC request rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 10.0 acres fronting approximately 710 feet on the west line of North Spring Run Road approximately 360 feet north of Triple Crown Drive. Tax IDs 726-667-5732 and 8727 (Sheet 15).

Ms. Beverly Rogers presented a summary of Case 06SN0157 and stated the Planning Commission and staff recommended approval subject to one condition and acceptance of the proffered conditions.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board approved Case 06SN0157, subject to the following condition:

The Textual Statement dated January 12, 2006 shall be considered the Master Plan. (P)

And, further, the Board accepted the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of a building permit:
 - A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2006; or
 - B. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
3. The maximum density of this development shall not exceed twenty two (22) lots. (P)
4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. Direct vehicular access from the property to Spring Run Road shall be limited to one (1) public road. (T)
6. Within sixty (60) days of approval of this request, forty-five (45) feet of right-of-way along the west side of Spring Run Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

7. In conjunction with the development of the initial section, the developer shall:
 - A. Construct additional pavement along Spring Run Road at the public road intersection to provide a right and left turn lanes, based on Transportation Department standards.
 - B. Widen/improve the west side of Spring Run Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage, and
 - C. Dedicate free and unrestricted to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for these improvements. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any of these improvements, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
8. Manufactured homes shall not be permitted. (P)
9. Sidewalks. Sidewalks shall be provided that facilitate pedestrian access within the development. Generally, sidewalks shall be located on both sides of public roads. (P)
10. Driveways. All private driveways shall be hardscaped. The exact treatment shall be approved at the time of plan review. (P)
11. Street Trees. Street trees shall be provided along both sides of all public roads within the development. (P)
12. Focal Point. A minimum of 0.75 acres of open space shall be provided within the development to provide a "focal point". Part of the focal point area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. A portion of the focal point may include an area devoted to best management/storm water facilities. The focal point shall be developed concurrent with the phase of development that the focal point is intended to serve. (P)

13. Garages. Front loaded garages shall be located no closer to the street than the front façade of the dwelling unit. (P)
14. Buffers. All required buffers shall be located within recorded open space. (P)
15. The minimum gross floor area for one story dwelling units shall be 1700 square feet and dwelling units with more than one story shall have a minimum gross floor area of 1800 square feet. (BI&P)
16. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)
17. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
 - A. No lot shall be used except for residential purposes. No business uses (profit or non-profit) including home occupations shall be conducted on the premises. Home occupations may be permitted if approved by the Homeowners' Association. (P)
 - B. No improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.
 - C. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
 - D. In considering requests for approval of fences and hedges, the following general guidelines will be applied:
 - E. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).

- F. No fence or hedge shall generally be permitted higher than 48 inches of any Lot.
- G. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
- H. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
- I. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
- J. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
- K. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph B.
- L. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.
- M. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
- N. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
- O. No portable air conditions units will be place in any window of a dwelling or other building if visible from a public street.
- P. Family daycare homes (providing care to more than five (5) children) and group care facilities shall not be permitted. (P)
- Q. Except as otherwise provided by applicable law, no exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building.
- R. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a

school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph B.

- S. Any one or more of the covenants or restrictions imposed by paragraphs A through R above may be waived or modified, in whole or in part, as to the entire Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.
- T. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
- U. Invalidation of any one of the provisions of these restrictions by judgement, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.
- V. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
- W. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
- X. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or

governmental authority having jurisdiction over the Property.

- Y. Declarant, as owner of all of the Property subjected to the Declaration, shall, at such time as it deems appropriate, cause to be incorporated under the laws of the Commonwealth of Virginia a non profit corporation to be named "Blank Homeowner's Association" or a similar name (the "Association").
- Z. All Owners shall be members ("Members") of the Association and shall be entitled to one (1) vote, per each Lot owned by them (provided, however, that if a Lot is owned by more than one owner, the owners of such Lot shall be entitled to only one vote between them), on all matters which are required to be decided by a vote of the Members of the Association.
- AA. The Members shall annually elect a five (5) member board of directors (the "Board of Directors") which shall be responsible for operating the Association, provided, however, that until such time as eighty-five percent (85%) of the Lots are owned by persons other than builders of the Declarant, the Board of Directors shall consist of five (5) directors all of whom shall be selected by the Declarant.
- BB. Each year the Board of Directors shall prepare an annual budget (the "Budget") containing an itemization of the expenses, which it anticipates, the Association will incur during the upcoming year to fulfill its responsibilities hereunder. The Budget shall be sent to each owner together with a notice of assessment (the "Annual Assessment") for the owner's pro rata share of the budget, which shall be computed by dividing the total Budget by the number of Lots. Upon receipt of the Annual Assessment, each Owner shall be required to make payment of the same in the manner designated by the Board of Directors.
- CC. In addition to any Annual Assessments, the Association may levy in any assessment year a special assessment (the "Special Assessment") applicable to that year only for the purpose of defraying in whole or in part the cost of any reconstruction, unexpected repair, or replacement of a capital improvement, including the necessary fixtures and personal property related thereto, provided that any such Special Assessment shall have the consent of the Owners of two-thirds (2/3) of the lots.
- DD. Any Annual Assessment of Special Assessment (the "Assessments") which is not paid by an Owner within such time as shall be determined by the Board of Directors shall bear interest at a rate per annum determined by the Board of Directors from such date until paid and shall constitute a lien upon the Lot owned by such Member. Such lien shall have priority over all other liens including, without limitation,

mortgages, deeds of trust, or any other lien hereafter placed upon any Lot, except a first mortgage of deed of trust securing a loan by a bona fide institutional lender to which such lien shall be subordinate. No Owner may waive or escape liability for the assessments hereunder for any reason. No sale or other transfer shall relieve any owner from liability for any Assessments due nor any Lot from the lien of any Assessments. The amount of any such lien may be enforced by suit or otherwise at the election of the Association and the Owner shall be required to reimburse the Association for all attorneys' fees and expenses incurred in so doing, the amount of which shall also constitute a lien on the Lot as herein provided. Notwithstanding the above, a party who acquires title to a Lot by virtue of the foreclosure of lien secured by a first mortgage of deed of trust to which this lien is subordinate or by a deed or assignment in lieu of foreclosure any liability of lien chargeable to such Lot on account of any period of time prior to such acquisition of title. Said acquiring party shall, however, be bound by the provisions of this Declaration including, without limitation, Assessments effective after said acquisition of title.

EE. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants. (P)

18. Open Space. There shall be a minimum of three (3) acres of recorded open space. (P)
19. A fifteen (15) foot tree preservation strip, exclusive of required yards, shall be maintained along the boundary of the subject property adjacent to Tax ID's 726-666-3362 and 9163, and 727-667-0200. Utility easements shall be permitted to cross this strip in a perpendicular fashion. Any healthy trees that are eight (8) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. Any open areas of 100 square feet or greater shall either be supplemented with plantings in accordance with perimeter landscape "G" requirements of the Ordinance or shall be furnished with a minimum six (6) foot high privacy fence. A plan depicting this planting/fencing requirement shall be reviewed and approved by the Planning Department at time of Tentative Subdivision plan review. (P)
20. An entrance feature shall be designed and installed in such a manner as to discourage recreational vehicular access from the development to the existing utility easement that runs parallel to Spring Run Road. The proposed feature shall be reviewed and approved at the time of tentative subdivision plan review and shall be installed prior to subdivision plat recordation. (P)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

06SN0166

In Matoaca Magisterial District, ROBERT SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 51.8 acres fronting approximately 1,050 feet on the south line of DuVal Road approximately 2,870 feet west of Otterdale Road. Tax ID 703-675-1477 (Sheet 14).

Ms. Rogers presented a summary of Case 06SN0166 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions. She noted the request complies with the Upper Swift Creek Plan.

Mr. Jim Theobald, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey called forward the applicant, Mr. Robert "Cliff" Sowers, and thanked him for providing the proffered conditions, which will address some road needs and provide for stormwater runoff drainage.

Mrs. Humphrey then made a motion, seconded by Mr. Barber, for the Board to approve Case 06SN0166 and accept the following proffered conditions:

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated February 2, 2006 shall be the Master Plan. (P)
2. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Stormwater. Sediment basins shall remain in place and/or new BMPs constructed to achieve the .22 phosphorous standard until the downstream regional BMP to which this site drains has been constructed. These

basins/BMPs shall be designed as permanent facilities unless at the time of tentative subdivision approval a downstream BMP to which the site drains and which achieves the .22 phosphorous standards has been constructed, or has been committed for construction, as determined by Environmental Engineering. (EE)

4. Utilities. The public water and wastewater systems shall be utilized. (U)
5. Cash Proffer. In addition to the Transportation Contribution described in Proffered Condition 8, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property:
 - a. If payment is made prior to July 1, 2006, \$6,685.00 per dwelling unit. At time of payment \$6,685.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$5,331.00 for schools, and \$404.00 for fire stations; or
 - b. If payment is made after June 30, 2006, the amount approved by the Board of Supervisors not to exceed \$6,685.00 per dwelling unit pro-rated as set forth in Proffered Condition 5.a. above adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made.
 - c. Provided, however, that if any building permits issued on the property are for senior housing, as defined in the proffer on age-restriction, the applicant, sub-divider, or assignee(s) shall pay, in addition to the Transportation Contribution described in Proffered Condition 8, \$1,354.00 per dwelling unit if paid prior to July 1, 2006, or the amount approved by the Board of Supervisors, not to exceed \$1,354.00 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006. At the time of payment, the \$1,354.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, and \$404 for fire stations. Payments in excess of \$1,354.00 shall be prorated as set forth above.
 - d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - e. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)

6. Age Restriction. Any lots for age-restricted dwelling units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential units. At the time of recordation of a subdivision plat or the approval of any site plan, the lots shall be noted as age-restricted. Any site plan for age-restricted dwelling units shall also note the restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. (B&M)
7. Density. The total number of residential dwelling units on the Property shall not exceed 2.0 residential units per acre. (P)
8. Transportation Contribution. The Applicant shall pay to the County prior to recordation of each subdivision section or prior to site plan approval for any residential development, the amount of \$8,915.00 multiplied by the total number of lots on each of the approved final check plats or by the total number of residential units on each site plan. If these amounts are paid after June 30, 2006, the amount paid shall be adjusted upward by any Board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made. The payment shall be used for road improvements in accordance with the Board's Cash Proffer Policy.

If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 10, then the Transportation Contribution in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements as determined by the Transportation Department. Thereafter, the Applicant shall pay the balance of the Transportation Contribution as set forth in this Proffered Condition. For the purposes of this Proffered Condition, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for any credit. (T)

9. Right-of-Way Dedication. Prior to any site plan approval, in conjunction with recordation of the initial subdivision plat, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the southern side of Duval Road, measured from the centerline of that part of Duval Road immediately adjacent to the Property, shall be

dedicated, free and unrestricted, to and for the benefit of the County. (T)

10. Road Improvements. To provide an adequate roadway system, the developer shall be responsible for the following improvements with initial development of the Property:

- a. Construction of additional pavement along Duval Road at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
- b. Widening/improving the south side of Duval Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
- c. Dedication to the County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the "off-site" right-of-way that is necessary for the road improvements described in Proffered Condition 10.a., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

11. Access. Direct vehicular access from the Property to Duval Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0178

In Matoaca Magisterial District, THE REED'S LANDING CORP. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15). Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01 - 2.5 units per acre. This request lies on 205.1 acres fronting approximately 2,870 feet on the north line of Hickory Road at its intersection with Halloway Avenue. Tax IDs 781-618-6468; 782-619-6148; 784-619-4378; and 784-620-1961 (Sheets 41 and 45).

Ms. Rogers presented a summary of Case 06SN0178 and stated staff, in negotiating the case, agreed to recommend that the Plan be adjusted to provide a single north-south roadway through the subject property located generally along the eastern property line, indicating that it is staff's policy to request construction of the thoroughfare roads through property requested for rezoning. She further stated, at the time the Planning Commission heard the request, the applicant had agreed to dedicate the right of way for the entire length across the property to accommodate the road, but had agreed to only construct 1,700 feet of the road northward into the site from Hickory Road. She stated the applicant submitted amended proffered conditions today, that require construction of 650 feet of the road northward from Hickory Road until such time that only 49 lots remain to be recorded and the posting of a letter of credit for the amount of the cost of construction of the remaining portion of the road beyond 1,700 feet to the Resource Protection Area (RPA) located along the northern property line. She noted there is no commitment for construction of the road from the edge of the RPA to the northern property line, and that distance ranges from approximately 100-300 feet. She stated the applicant also submitted a new proffered condition requiring recordation of restrictive covenants consistent with those of Stoney Glen South. She further stated staff continues to recommend denial of the request because the proposal fails to conform to the recommended Thoroughfare Plan since the road would not be constructed from the southern edge of the RPA to the property line. She stated the Planning Commission recommended denial, expressing concerns relative to noncompliance with the Thoroughfare Plan, the lack of guarantees relative to sidewalks, landscaping, open space, the impact on capital facilities, and the timing of the development compared to the availability of infrastructure to support the development.

Mr. Oliver Rudy, representing the applicant, stated the applicant has complied with everything staff has required except for constructing a 100-300 foot stretch of road across wetlands. He further stated the applicant has agreed to provide transportation improvements upfront; nearly two miles of sewer line extending to the subject property; water line improvements; and full cash proffers. He further stated staff has indicated that there are no drainage issues on the property, and the proposed density is well within what is required for the Southern and Western Area Plan. He stated the applicant has agreed to build the thoroughfare road up to a distance of 670 feet, and at a certain time, to provide a letter of credit to provide for completion of the road down to the edge of the RPA, so the only section of road remaining is the portion that crosses the RPA. He suggested that the county consider absorbing the cost of the small section of road as a small investment in exchange for the improvements that will be received immediately from the developer.

Discussion ensued relative to the transportation and utilities improvements proposed by the developer.

Mr. Ken Timmons, representing Reeds Landing Corporation, stated he sincerely believes this is a good project for the county. He further stated 8,800 feet of offsite sewer lines will be constructed, in addition to 8,000 feet of onsite

sewer lines. He stated the developer will be paying \$9,000 per lot in transportation cash proffers, and he thinks the county should be able to build a bridge across the wetlands using these cash proffers.

Mr. King called for public comment.

Mr. Jerry Jernigan, a resident of the Matoaca District, expressed concerns relative to additional traffic being added to the narrow, curvy roads of Matoaca. He stated, in his opinion, the developer should be required to build the thoroughfare road across the entirety of the property now to eliminate additional traffic at the dangerous intersection of Hickory and Matoaca Roads.

In response to Mr. Miller's question, Mr. Jernigan stated, based upon the road system, the density should be 1.01 units per acre.

Mr. Samuel Smith, a resident of the Matoaca District, expressed concerns relative to the density of the proposed development. He stated the roads and schools will be overburdened as a result of additional development. He questioned the number of students that staff has indicated would be generated by the proposed development.

Mr. C. L. Morrisette expressed concerns relative to developers being required to pay for roads and other amenities in the county, thus putting new citizens out of the range of affordable housing. He stated, in his opinion, the Board cannot legally accept offsite proffered conditions that are not solely for a specified project, and then modify the uses or density permitted by the zoning for the property. He requested that the Board consider having an outside source review the county's zoning ordinances to determine legality.

In response to Mr. Warren's question, Mr. Micas stated the county's application of the proffer system has been tested and validated in both state and federal courts. He further stated county ordinances are always under review for legality, and he is not aware of a case where a court has found that the county has inappropriately applied its ordinances.

Mr. Barber stated residential zoning classifications apply to setbacks, as well as lot square footage. He noted many times a developer may want a certain total number of homes, which might be reflective of R-25 zoning, but also wants the flexibility of the smaller setbacks included in R-15 zoning, and will therefore proffer a limited number of lots consistent with R-25 density, but request R-15 to allow a smaller lot square footage and setbacks to accommodate flexibility.

Ms. Andrea Pulley, a resident of the Matoaca District who owns 16 acres bordering the proposed development, expressed concerns relative to the magnitude of the proposed development and requested that the integrity of the rural setting of Matoaca be preserved. She inquired whether the schools are prepared to handle the additional students that will be generated. She stated she dug a well on her property, hitting water at four feet, and questioned staff's determination that there are no drainage issues in the area.

Ms. Linda Kidd, an adjacent property owner, stated the proposed development will do nothing to help her because she already has a well and septic tank, but will result in her assessment being increased, thereby increasing her taxes. She expressed concerns relative to additional traffic that will be generated on dangerous roads with extremely deep ditches. She stated she opposes the proposed density and the problems residents will face if the project is approved.

Mr. Andy Scherzer, a Midlothian District resident, stated the road that was to be extended in the rezoning case of the new Matoaca High School was not required to be built across the RPA, which also provided a border on that site, indicating that a precedent was set in that previous case regarding requirements of developers whose property borders significant environmental features and wetlands. He further stated the Board may need to revisit its policy and grant some allowances in cases such as this. He stated Mr. Timmons has provided quality development throughout the county, and the improvements proposed with this development will benefit the overall community.

Ms. Brenda Stewart, a resident of the Matoaca District, stated the project is poorly designed and includes no interior open space. She expressed concerns relative to staff's determination relative to drainage, indicating that when the same site was considered for the new Matoaca High School, a consultant determined that the property was flat and poorly drained, with only 50% of site considered usable. She stated the wastewater treatment plant that services this area reportedly has problems with overflow. She further stated staff's analysis of the traffic impact of the proposed development is based on 2004 figures, indicating that updated data should be used to determine the impact. She expressed concerns relative to deficient infrastructure in the area and stated the formula used to determine the number of students that will be generated by the proposed development is too low. She requested that the Board deny the case as proposed.

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance of Chesterfield, stated one road will not fix the infrastructure problems in the area. She further stated, in her opinion, this is a poorly designed development and does not represent smart growth by providing open space intermingled throughout the development. She expressed concerns relative to the impact of the proposed development on capital facilities and fire and police services. She stated there are many issues that have not been addressed in this case. She requested that the Board either support the Planning Commission and staff's recommendations for denial, or at least defer the request until the issues raised at the community meeting are addressed.

Mr. Scott Mills, a resident of the Matoaca District, stated every project the Reeds Landing Corporation has developed in the county has been top quality.

Mr. Oliver Rudy stated, although it might not be smart growth, road improvements have always followed development, rather than development following improvements to roads. He further stated the developer should be entitled to some consideration on the small portion of roadway across the RPA

by agreeing to construct a road to the RPA line and providing many other public improvements. He stated, in his opinion, Mr. Timmons will be a good neighbor to the residents of Matoaca, and requested the Board's support of the proposed development.

There being no one else to speak to the request, the public hearing was closed.

In response to Mrs. Humphrey's question, Mr. Turner stated no buffers are required for R-15 zoning.

Mrs. Humphrey stated, in order to assure the rural character of Matoaca, the applicant has provided proffered conditions to provide for diverse housing types that will be maintained by restrictive covenants.

Mr. Rudy stated the applicant has submitted complete restrictive covenants, including the organization of a homeowners' association to take care of such things as entrances to the development.

Mrs. Humphrey stated the only way to get improvements on Hickory, Woodpecker and Matoaca Roads is through development. She further stated the proposed development is consistent with the Plan, and the applicant could have proposed a higher density than is allowed under R-15 zoning.

Discussion ensued relative to significant public improvements proposed by the applicant.

In response to Mrs. Humphrey's question, Mr. McElfish stated the developer will be required to channel drainage from the property to an adequate channel.

In response to Mrs. Humphrey's question, Mr. McCracken stated the developer has agreed to provide turn lanes and shoulder improvements along Hickory Road adjacent to the request property, but staff did not request that the developer provide improvements on the other side of the road.

Mrs. Humphrey stated she is more comfortable with the amended proffered condition because the developer will be completing a significant piece of the arterial road.

Mr. McCracken stated, although the length of the RPA is unknown, it is estimated at 100-300 feet. He further stated, if the road is not constructed with this development, the same issue will arise when the property to the north develops. He stated, in cases like this, staff typically asks for construction of the road as far as possible and the funding to go to the center of the creek.

In response to Mr. Miller's questions, Mr. McCracken stated, assuming no significant drainage structures would have to be constructed, the cost to extend the road across the RPA would be approximately \$150,000. He further stated the cost to provide a bridge across the wetlands would be significantly more. He stated, even if the road were realigned, it would still have to cross the RPA.

Mr. Miller stated, if the developer is relieved from building this segment of the road, someone else would have to

construct it at some point. He expressed concerns relative to the uncertainty of the cost to provide the additional roadway through the RPA area.

In response to Mr. Barber's question, Mr. McCracken stated, in his opinion, the community would be better served by the proposed single new arterial road than the previously recommended two arterial roads shown on the Thoroughfare Plan.

Mr. Warren expressed concerns relative to density of the proposed development, inadequate roads, poor soils, low estimated school population, and inadequate fire and police service for this area. He stated the Planning Commission and staff recommended denial, and he does not believe the case is ready for approval, nor does it represent smart growth.

Mr. King stated he agrees with the citizens regarding the dangerous roads in this area. He inquired why no green space is proposed for this development.

Ms. Rogers stated the Southern and Western Area Plan does not address preservation of open space in this particular area; therefore, staff has no basis to request such amenities.

Mr. King stated he will probably abstain from voting on this case.

Mr. Miller stated he is sensitive to the proffers that have been made and the costs the developer is incurring. He inquired whether it would be advantageous to see if alternatives could be worked out for completion of the road.

Following brief discussion relative to the use of transportation cash proffers, Mr. King requested a brief recess.

Reconvening:

Mrs. Humphrey made a motion for the Board to defer Case 06SN0178 until June 28, 2006.

Mrs. Humphrey requested that an evaluation of the cost to provide roadway through the RPA area on the subject property be performed during the deferral period.

Mr. Barber seconded Mrs. Humphrey's motion.

Mr. Barber expressed concerns that the proffers fail to provide the guarantees relative to quality, which had been discussed with the neighbors. He stated Mr. Turner has informed him that it is very labor intensive for the county to enforce development standards regarding certain quality design features. He requested that, during the deferral period, Planning staff provide a suggestion for incorporating into zoning cases, such as this one, proffers that guarantee developer's promises to the community and also provide any necessary information to quantify the costs for enforcement of such conditions.

Mr. King called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Barber, for the Board to defer Case 06SN0178 until June 28, 2006.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

16. PUBLIC HEARINGS

There were no public hearings scheduled at this time.

17. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS

There were no remaining requested for manufactured home permits or rezoning at this time.

18. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS

Mr. C. L. Morrisette expressed concerns relative to the legality of cash proffers. He stated, in his opinion, only the Planning Commission can make recommendations to the Board because they have been appointed. He further stated it is also his opinion that staff cannot legally make recommendations to the Board. He requested that the Board hire outside counsel to review the county's zoning ordinances.

19. ADJOURNMENT

On motion of Mr. King, seconded by Mr. Barber, the Board adjourned at 10:31 p.m. until May 24, 2006 at 4:00 p.m.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

Lane B. Ramsey
County Administrator

R. M. "Dickie" King, Jr.
Chairman